

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD NORMAN,
Plaintiff,

v.

INTERSANGO, LLC, ET AL.,
Defendants.

Case No. 16-cv-03587-YGR

ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE

Plaintiff Donald Norman brings this derivative shareholder action against defendants. (Dkt. No. 35, the “FAC”). On October 25, 2016, defendants Intersango, LLC and Patrick Strateman each filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. Nos. 36, 37.) Plaintiff’s response was due on November 8, 2016, and any replies would have been due on November 15, 2016. Plaintiff has yet to file a response. As a result, the Court is considering dismissing plaintiff’s lawsuit for “failure to prosecute,” that is, a failure to meet deadlines to keep the lawsuit moving forward.

Plaintiff is hereby **ORDERED TO SHOW CAUSE** why the Court should not dismiss the case for failure to prosecute. The Court **SETS** a hearing on this Order for **Friday, December 2, 2016 at 2:00 p.m.**, in the Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1. Not later than Friday, November 25, 2016, plaintiff must file either: (i) responses to the motions to dismiss; or (ii) a written response to this Order to Show Cause, indicating why the case should not be dismissed for failure to prosecute. Failure to comply will be deemed an admission that plaintiff does not intend to prosecute, and his case will be dismissed without prejudice. If compliance is complete, the Court may vacate the hearing on this Order and the plaintiff need not appear. If plaintiff files responses to the motions to dismiss by November 25, 2016, defendants’

1 replies will be due seven (7) days thereafter.

2 The Court also **VACATES** the hearing on defendants' motions to dismiss currently set for
3 November 22, 2016, to be reset if briefing on such motions is complete.

4 **IT IS SO ORDERED.**

5 Dated: November 21, 2016

A handwritten signature in black ink, appearing to read 'Yvonne Gonzalez Rogers', is written over a horizontal line.

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California